

REMARKS

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the Application. Claims 1-2, 7-9, 11, 22-24, 28, 31-32, 43, 46-47, 49, and 50 are presently pending. Claims 1-2, 7-9, 11, 22-24, 28, 31-32, 46-47, and 49 are amended and claim 50 is added.

Statement of Substance of Interview

[0003] Examiner William S. Powers graciously talked with me-the undersigned representative for the Applicant-on January 9, 2009. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to all of us in our common goal of an expedited prosecution of this patent application.

[0004] During the interview, the 35 U.S.C. §112, first paragraph rejections were discussed. In addition, differences between the Application and the cited art, namely U.S. Patent No. 7,085,741 ("Lao") were discussed. Without conceding the propriety of the rejections and in the interest of expediting prosecution, several possible clarifying amendments were proposed.

[0005] With respect to the 35 U.S.C. §112 rejections, the Examiner appeared to indicate that the proposed amendments may overcome the §112 rejections. In addition, the Examiner appeared receptive to the proposed amendments to claim 49 and the addition of claim 50 to overcome the cited art. However, the Examiner indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented with this response. Applicant amends claims and presents arguments based on the discussion that occurred during the interview.

Formal Request for an Interview

[0006] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an additional interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0007] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments and Additions

[0008] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-2, 7-9, 11, 22-24, 28, 31-32, 46-47, and 49. The amendments are made to expedite prosecution and should not be construed as further limiting the claims in response to the cited references. The claim amendments do not constitute new matter. For example, the amendments to claim 49 are at least supported by paragraph [0072] of the originally filed application.

[0009] Furthermore, Applicant adds claim 50, which is directed towards receiving a request to play content at a content player, determining if a formal license to play the content is available, and obtaining a number of partial licenses to form a formal license when the formal license is not available. Claim 50 is

fully supported by the application and therefore does not constitute new matter. (*See* paragraphs [0056] – [0058] of the originally filed application). In addition, Applicant respectfully submits that the cited art does not disclose or show receiving a request to play content at a content player, determining if a formal license to play the content is available, and obtaining a number of partial licenses to form a formal license when the formal license is not available, as recited in claim 50. Accordingly, claim 50 is allowable.

Formal Matters

Specification

[0010] The Action objects to the amendment filed November 25, 2003, and the amendment filed on July 22, 2008, under 35 U.S.C. §132(a). Applicant respectfully submits that the claims have been amended to overcome the objections. In particular, claims 1 and 31 are amended to include subject matter supported by the originally filed application and/or subject matter that has been indicated as an appropriate correction to the originally filed application. In addition, claims 22 and 43 have already been amended to include subject matter supported by the originally filed application and/or subject matter that has been indicated as an appropriate correction to the originally filed application. (*See* section 5, pages 3-4 of the Action). Further, Applicant respectfully submits that the amendment to paragraph [0075] of the Application is supported by original claim 31. Thus, Applicant respectfully requests that the Examiner withdraw the objections under 35 U.S.C. §132(a).

Claims

[0011] Additionally, the Action objects to claim 49 because of informalities. Applicant respectfully submits that the objection to claim 49 is moot in view of the amendments to claim 49 and asks the Examiner to withdraw the objections of this claim.

Substantive Matters

Claim Rejections under §112 1ST Paragraph

[0012] The Action rejects claims 1, 2, 6-9, 11, 22-24, 28, 43, 46 and 47 under §112, 1st paragraph, as failing to comply with the written description requirement. In particular, page 5 of the Action states:

“The claims contains (sic) subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 22, and 43 each incorporate new matter into the equations that were introduced in the amendment filed 25 November 2003 and which have not been overcome by Applicant’s arguments and affidavit.

Claim 31 incorporates new matter into the equations that were introduced in the amendment filed 22 July 2008 and which have not been overcome by Applicant’s arguments and affidavits.”

Applicant respectfully traverses these rejections.

Independent Claim 1

[0013] Applicant respectfully submits that the features of claim 1 are supported by the originally filed application. In particular, the rejected features of claim 1 that were added in the November 25, 2003 Preliminary Amendment

have been removed and the allowable subject matter of claim 6 has been added to claim 1. (*See* page 7, section 11 of the Action). Thus, Applicant respectfully submits that claim 1 has been rewritten to overcome the 35 U.S.C. §112, first paragraph rejections. Accordingly, claim 1 is allowable and Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2, 7-9, and 11

[0014] Dependent claims 2, 7-9, and 11 ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. Accordingly, claims 2, 7-9, and 11 are also allowable and Applicant asks the Examiner to withdraw the rejections of these claims.

Independent Claim 22

[0015] Applicant respectfully submits that the features of claim 22 are supported by the originally filed application. In particular, the rejected features of claim 22 that were added in the November 25, 2003 Preliminary Amendment have been removed. Thus, Applicant respectfully submits that claim 22 has been rewritten to overcome the 35 U.S.C. §112, first paragraph rejections. In addition, claim 22 includes the features of original claim 27 that have been indicated as allowable subject matter. (*See* page 7, section 11 of the Action). Accordingly, claim 22 is allowable and Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 23, 24, and 28

[0016] Dependent claims 23, 24, and 28 ultimately depend upon independent claim 22. As discussed above, claim 22 is allowable. Accordingly, claims 23, 24, and 28 are also allowable and Applicant asks the Examiner to withdraw the rejections of these claims.

Independent Claim 31

[0017] Applicant respectfully submits that the features of claim 31 are supported by the originally filed application. In particular, the rejected features of claim 31 that were added in the July 22, 2008 Response have been removed. Thus, Applicant respectfully submits that claim 31 has been rewritten to overcome the 35 U.S.C. §112, first paragraph rejections. Accordingly, claim 31 is allowable, as previously indicated (*See* page 5, section 7 of the January 22, 2008 Action), and Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claim 32

[0018] Dependent claim 32 ultimately depends upon independent claim 31. As discussed above, claim 31 is allowable. Accordingly, claim 32 is also allowable and Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 43

[0019] Applicant respectfully submits that the features of claim 43 are supported by the originally filed application. In particular, the rejected features of claim 43 that were added in the November 25, 2003 Preliminary Amendment have been removed. Thus, Applicant respectfully submits that claim 43 has been rewritten to overcome the 35 U.S.C. §112, first paragraph rejections. In addition, claim 43 includes the features of original claim 48 that have been indicated as allowable subject matter. (*See* page 7, section 11 of the Action). Accordingly, claim 43 is allowable and Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 46 and 47

[0020] Dependent claims 46 and 47 ultimately depend upon independent claim 43. As discussed above, claim 43 is allowable. Accordingly, claims 46 and 47 are also allowable and Applicant asks the Examiner to withdraw the rejections of these claims.

Anticipation Rejections

[0021] Applicant respectfully requests that the Examiner withdraw the anticipation rejections because, for each rejected claim, no single reference

discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Lao

[0022] The Action rejects claim 49 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0109707 ("Lao"). Applicant respectfully traverses the rejections of this claim. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 49

[0023] Applicant submits that Lao does not disclose or show at least the following features of claim 49:

- "generating the number of partial licenses at the license authority based on the formal license and a response received from the client device specifying the output duration, wherein the number of partial licenses generated at the license authority is based on security safeguards of the license authority relative to security safeguards of a plurality of additional license authorities"

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In contrast to claim 49, Lao discloses a clearinghouse that provides a rights label to a user that allows the user to request content from a distributor. (*See* Lao, col. 5, ll. 7-22). Lao does disclose or show generating a number of licenses at a license authority based on a formal license and a response received from a client device specifying an output duration, where the number of partial licenses generated at the license authority is based on security safeguards of the license authority relative to security safeguards of a plurality of additional license authorities, as recited in claim 49

[0024] Accordingly, claim 49 is allowable because the cited art does not disclose or show each feature of claim 49 and Applicant asks the Examiner to withdraw the rejection of this claim.

Conclusion

[0025] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC

/Trevor Lind/ _____ Dated: January 27, 2009 _____

Trevor Lind (trevor@leehayes.com; 512-505-8162, ext. 5003)

Registration No. 54785

Emmanuel Rivera (emmanuel@leehayes.com; 512-505-8162, ext. 5001)

Registration No. 45760

Customer No. **22801**

Facsimile: (509) 323-8979

www.leehayes.com